

1 **RPLY**  
2 **M NELSON SEGEL, CHARTERED**  
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4 Nevada Bar No. 0530  
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6 Las Vegas, Nevada 89101  
7 Telephone: (702) 385-5266  
8 Facsimile: (702) 382-2967  
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10 Attorneys for Defendants Larry Hahn  
11 and Hahn's World of Surplus, Inc.

  
CLERK OF THE COURT

8 **DISTRICT COURT OF NEVADA**  
9 **COUNTY OF CLARK**

10 -000-

12 TED R. BURKE; MICHAEL R and LAURETTA )  
13 L. KEHOE; JOHN BERTOLDO; PAUL )  
14 BERNARD; EDDY KRAVETZ; JACKIE )  
15 and FRED KRAVETZ; STEVE FRANKS; )  
16 PAULA MARIA BARNARD; PETE T. and )  
17 LISA A. FREEMAN; LEON GOLDEN; )  
18 C.A. MURFF; GERDA FERN BILLBE; BOB and )  
19 ROBYN TRESKA; MICHAEL RANDOLPH, and )  
20 FREDERICK WILLIS, )

21 Plaintiffs,

22 vs.

23 LARRY L. HAHN, individually, and as President )  
24 of and Treasurer of Kokoweef, Inc., and former )  
25 President and Treasurer of Explorations )  
26 Incorporated of Nevada; HAHN'S WORLD OF )  
27 SURPLUS, INC., a Nevada corporation; )  
28 PATRICK C. CLARY, an individual; )  
DOES 1 through 100, inclusive; )

29 Defendants,

30 and

31 KOKOWEEF, INC., a Nevada corporation; )  
32 EXPLORATIONS INCORPORATED OF )  
33 NEVADA, a dissolved Nevada corporation; )

34 Nominal Defendants. )

CASE NO. 08A558629

DEPT. XI

**HAHN DEFENDANTS OBJECTION TO  
PLAINTIFFS' SURREPLY TO  
TO DEFENDANT LARRY L. HAHN  
AND HAHN'S SURPLUS, INC' S  
REPLY TO PLAINTIFF'S  
OPPOSITION TO  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

DATE: 3/30/2010

TIME: 9:00 a.m.

1 Defendants LARRY L. HAHN ("HAHN") and HAHN'S WORLD OF SURPLUS, INC.  
2 ("HAHN'S WORLD")(HAHN and HAHN'S WORLD sometimes referred to herein as "HAHN  
3 DEFENDANTS"), by and through their attorney, M NELSON SEGEL, ESQUIRE ("SEGEL"),  
4 hereby file their Objection to Plaintiffs' Surreply to Defendant Larry Hahn and Hahn's World of  
5 Surplus, Inc.'s Motion for Partial Summary Judgment ("OBJECTION"). The declaration SEGEL  
6 is attached hereto as Exhibit "A".

7 PLAINTIFFS ARE IMPROPERLY ATTEMPTING TO INFLUENCE THE COURT

8 Plaintiffs' caused a document entitled "Surreply to Defendant Larry Hahn and Hahn's World  
9 of Surplus, Inc.'s Motion for Partial Summary Judgment" ("SURREPLY") to be sent to SEGEL's  
10 office by facsimile with a time set forth of March 29, 2010, at 14:47 p.m. for a hearing that is  
11 scheduled tomorrow, March 30, 2010, at the hour of 9:00 a.m. SEGEL was out of the office in a  
12 mediation until approximately 3:30 p.m. This OBJECTION has been prepared upon learning about  
13 it. In light of the time, SEGEL has not had an opportunity to review the document, but has filed this  
14 OBJECTION due to the continuing failure of Plaintiffs to follow the requirements of the Nevada  
15 Rules of Civil Procedure ("NRCPP") and the Eighth Judicial District Courts Rules ("EDCR").

16 Motions are covered in EDCR 2.20. Said rule provides for the filing of a motion, an  
17 opposition and a reply. There is no language in EDCR 2.20, or any other portion of the EDCR's  
18 or the NRCPP that provides for the filing of a "surreply." On said basis, the Court should strike the  
19 SURREPLY and rule on the Motion for Partial Summary Judgment at the hearing on Tuesday,  
20 March 30, 2010, based upon the Motion, Opposition and Reply as provided for in the EDCR.

21 One of the problems that has plagued this case from the beginning is the refusal of Plaintiffs  
22 to comply with NRCPP and EDCR. If Plaintiffs can provide the Court with a legitimate basis to allow  
23 the SURREPLY to stand, the HAHN DEFENDANTS should be allowed to file a responsive  
24 pleading to the SURREPLY. In that event, the Court should allow the Motion for Partial Summary  
25 Judgment to be heard, allow the HAHN DEFENDANTS a reasonable time to respond to the

26 ...

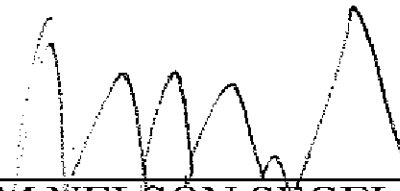
27 ...

28 ...

1 SURREPLY and specifically prohibit Plaintiffs from filing a document in response thereto.

2 DATED this 29<sup>th</sup> day of March, 2010.

3 M NELSON SEGEL, CHARTERED

4  
5 By   
6 M NELSON SEGEL, ESQUIRE  
7 Nevada Bar No. 0530  
8 624 South 9<sup>th</sup> Street  
9 Las Vegas, Nevada 89101  
10 *Attorneys for Defendants Larry L. Hahn and*  
11 *Hahn's World of Surplus, Inc.*

11 **CERTIFICATE OF SERVICE**

12 The undersigned hereby certifies that on the 29<sup>th</sup> day of March, 2010, she served the  
13 foregoing document by causing true and correct copies to be placed in the United States Mail,  
14 postage fully prepaid thereon and addressed as follows and forwarding a copy via facsimile to the  
15 parties listed below at their last known facsimile numbers. A copy of the facsimile transmittal sheet  
16 is attached hereto:

<p>17 Jennifer Taylor, Esquire 18 ROBERTSON &amp; VICK, LLP 19 401 North Buffalo Drive, Suite 202 20 Las Vegas, Nevada 89145</p>	<p>Patrick Clary, Esquire 7201 West Lake Mead Drive, Suite 410 Las Vegas, Nevada 89128</p>
--	--

21 /s/ Diana Wolf   
22 An employee of M NELSON SEGEL, CHARTERED

23  
24  
25  
26  
27  
28

Exhibit "A"

**DECLARATION OF M NELSON SEGEL**

STATE OF NEVADA        )  
                                  ) ss:  
COUNTY OF CLARK        )

I, M NELSON SEGEL, being first duly sworn, declare under oath:

1. I am an attorney at law duly licensed to practice in this Court; make this declaration in support of the Objection to Plaintiffs' Surreply to Defendant Larry Hahn and Hahn's World of Surplus, Inc.'s Motion for Partial Summary Judgment ("OBJECTION"); this declaration is made from my own knowledge; and I am competent to testify to the matters set forth herein.

2. I was retained by Larry Hahn and Hahn's World of Surplus, Inc. to represent them in this manner. I participated in all hearings that have been held, as well as the evidentiary hearing held on or about the 29<sup>th</sup> day of July, 2008.

3. As required, I caused a Reply to Plaintiffs' Opposition to Defendant Larry Hahn and Hahn's World of Surplus, Inc.'s Motion for Partial Summary Judgment ("REPLY") to be filed with the Court and served by United States Mails upon the other parties to the case on Tuesday, March 23, 2010.

4. Since the filing of the REPLY, I have sent multiple emails to counsel for Plaintiffs, with no response.

5. I conducted a mediation from 11:00 a.m. until approximately 3:30 p.m. today. When I returned to my office, I was advised that Plaintiffs' had caused the SURREPLY to be "served" upon me by facsimile at approximately 14:47 p.m. on the 29<sup>th</sup> day of March, 2010. In light of the time, I did not bother reviewing the SURREPLY and simply prepared this declaration and the OBJECTION.

6. Since the hearing of this matter is set for 9:00 a.m. tomorrow, I thought it made better sense to prepare this OBJECTION and get it filed as soon as possible.

7. Based upon the conduct of Plaintiffs in this case, I was not surprised that the SURREPLY was prepared and delivered shortly before the hearing in violation of the rules of procedure. I believe the SURREPLY was filed in an attempt to improperly influence the Court or to obtain more time to respond to the Motion for Partial Summary Judgment.



\* \* \* Memory TX Result Report ( Mar. 29. 2010 3:52PM ) \* \* \*

1)  
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Date/Time: Mar. 29. 2010 3:42PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
2730	Memory TX diana	6714378 2476227 3827277	P. 7	E-3) 3) OK OK	P. 1-7

## Reason for error

E. 1) Hang up or line fail  
E. 3) No answer  
E. 5) Exceeded max. E-mail size

E. 2) Busy  
E. 4) No facsimile connection

**M NELSON SEGEL**  
Attorney at Law

624 South 9th Street  
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TELEPHONE (702) 385-5266  
FACSIMILE (702) 382-2967  
EMAIL: nelson@nelsonsegclaw.com

**FACSIMILE TRANSMITTAL FORM**

**TO:** Honorable Elizabeth Gonzalez  
Jennifer Taylor, Esquire  
Patrick Clary, Esquire

**FAX:** 671-4378  
247-6227  
382-7277

**FROM:** M NELSON SEGEL, ESQUIRE

**DATE:** March 29, 2010

**RE:** Burke, et al. v. Hahn, et al.  
Case No. A-08-558629-C

\*\*\*\*\*

**Instructions Upon Receipt:** For your review.

**Documents being faxed:** Hahn Defendants Objection to Plaintiffs' Sureply  
To Defendant Larry L. Hahn and Hahn's World of  
Surplus, Inc.'s Reply to Opposition to Motion for  
Partial Summary Judgment.

TOTAL PAGES 7 (including cover sheet).

Please see that this facsimile is delivered immediately upon receipt. If you do not receive this facsimile properly, please call (702) 385-5266 immediately.

The information contained in this facsimile message is privileged and confidential; it is intended only for the use of the recipient named above. If the reader of this message is not the intended recipient (or the employee or agent responsible to deliver it to the intended recipient), you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. We will be happy to reimburse you for any costs. Thank you.

M NELSON SEGEL - FACSIMILE NO. (702) 382-2967

\* \* \* Memory TX Result Report ( Mar. 29. 2010 3:59PM ) \* \* \*

1)  
2)

Date/Time: Mar. 29. 2010 3:58PM

File No.	Mode	Destination	Pg (s)	Result	Page Not Sent
2732	Memory TX diana	6714377	P. 7	OK	

Reason for error

- E. 1) Hang up or line fail.
- E. 2) Busy
- E. 3) No answer
- E. 4) No facsimile connection
- E. 5) Exceeded max. E-mail size

**M NELSON SEGEL**  
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EMAIL: nelson@nelsonsegellaw.com

**FACSIMILE TRANSMITTAL FORM**

**TO:** Honorable Elizabeth Gonzalez  
Jennifer Taylor, Esquire  
Patrick Clary, Esquire

**FAX:** 671-4373  
247-6227  
382-7271

**FROM:** M NELSON SEGEL, ESQUIRE

**DATE:** March 29, 2010

**RE:** Burke, et al. v. Hahn, et al.  
Case No. A-08-558629-C

Instructions Upon Receipt: For your review.

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M NELSON SEGEL - FACSIMILE NO. (702) 382-2967